

### **REMARKS**

Claims 1-5 remain in this application. Claim 6 has been canceled. New claims 7-9 have been added to provide more adequate coverage for applicant's disclosure.

In order to emphasize the patentable distinctions of applicant's invention over the prior art, claim 1 has been amended to recite a floor mat, comprising; (i) a top portion including a plurality of air ventilation apertures; (ii) a bottom portion connected directly or indirectly to the top portion and at least partially sealing an interior space therebetween; (iii) a scent-containing member within the interior space; and (iv) a flap, being integrally formed with the top portion and removably connected to the bottom portion, wherein when the flap is closed, the interior space is completely sealed, with entry and exit of air solely through the air ventilation apertures, and wherein when the flap is opened, access to the interior space is permitted for replacement of the scent-containing member with a new scent-containing member; wherein, upon application of pressure to the top portion, the floor mat releases scented air to a surrounding area; and upon release of the pressure, the floor mat draws in additional air to be scented. Claims 2 and 3 have been amended in a similar fashion to further include the flap element, as recited hereinabove. Claim 3 has further been amended to call for a layer of carpeting covering at least the top portion except for the ventilation apertures.

In order to provide adequate coverage for applicant's disclosure, new claims 7-9 have been added. Claim 7 further limits independent claim 1 by calling for a mat having a push pump integrally formed within the top portion of the mat. Claim 8 further limits

independent claim 1 by calling for a mat wherein each of the top and bottom portions, respectively, further comprise a plurality of protrusions which are integrally formed on the outer surfaces of the top and bottom portions, wherein the protrusions help a user's foot to grip and maintain position on the floor or other surface where the mat is placed. Claim 9 is similar to claim 8, except that it calls for the protrusions to be in the shape of long ribs.

Each of the foregoing amendments is clearly supported by the original specification. In particular each of the amendments to claims 1-3 that require a *flap* for access to the interior space of the mat finds support in the specification, as originally filed, at paragraphs [0014] and [0019]. The amendment to claim 3 calling for a layer of carpeting covering at least the top portion except for the ventilation apertures finds support in the specification as originally filed, at paragraph [0022]. New claim 7 finds support in the specification as originally filed, at paragraph [0024]. Each of new claims 8 and 9, respectively, finds support in the specification as originally filed, at paragraph [0021]. Consequently, no new matter has been added.

Applicant's invention provides a scent dispersing apparatus, such as a mat, capable of enclosing a scent-containing element inside an air-filled cavity. A housing contains a means for air ventilation, such as small air holes, for dispersion of scent. When the housing receives a force, such as a user exerting pressure upon on the housing, air is pushed from the air cavity outward through the air holes, thereby, dispersing scent contained in the scented insert. Additional air enters the air cavity once the pressure is released through an elastic rebound effect.

### **Claim Rejections – 35 USC § 112**

Claims 4 and 6 were rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement.

The Examiner has argued that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner has stated that it is not clear what structures are contemplated by certain terms. Regarding claim 4, the terms being objected to are: “an aerosol member”, “a pump”, and “a time-release agent”. Regarding claim 6, the terms being objected to are: “a clothes” and “hair brush”. The Examiner has argued that it is not clear how these items are structurally related to the mat structure. The Examiner has stated that applicant has failed to adequately describe these items in the disclosure.

In order to overcome the rejection to claim 4, each of the objected to terms have been deleted from the claim. Claim 6 has been canceled, with the result that the rejection of that claim is now moot.

Accordingly, reconsideration of the rejection of claim 4 under 35 USC 112, first paragraph, is respectfully requested.

### Claim Rejections – 35 USC § 102

Claims 1, 2 and 5 were rejected under 35 USC 102(b) as being anticipated by US Patent 4,161,284 to Rattan.

Rattan discloses a deodorant or fragrance dispensing packet for use in vehicles and the like and is characterized by being quickly rechargeable by squeezing the two parallel sides of the packet together, which causes spikes molded on the interior of one side of the packet container to rupture a liquid fragrance containing pod, permitting the perfume to flow into a surrounding absorbent pad from which the fragrance slowly evaporates and disseminates into the atmosphere through holes in the outer casing which were punched by the consumer after purchase to permit the dissemination of the first charge of fragrance which was contained in the absorbent pad.

In view of the amendments to independent claims 1 and 2, respectively, it is submitted that claims 1 (and claim 5 dependent thereon) and 2 patentably define over Rattan. Namely, it is submitted that nowhere does Rattan disclose or suggest a mat having a **flap** that may be opened in order to access the interior space of the mat for replacement of a scent-containing member therein, and which also may be closed to seal the interior space thereof. Instead Rattan discloses a flattened container being made from two molded half-shells and which are mated along a press fitted seam which is also preferably glued or welded so that the two shells define a completely sealed cavity within. See Rattan col. 1, line 65 to col. 2, line 2.

Because the fragrance-producing unit disclosed by Rattan is principally for use in vehicles, it is safe to assume that the unit is relatively smaller than the floor mat defined by present claims 1, 2 and 5. Clearly, the vehicle mat disclosed by Rattan is not designed to support the full weight of the user. Further, the Rattan unit is presumably intended to be discarded after its scent-producing capability has waned, since there is provided no ability to replace the fragrance pod once it has been completely depleted. On the other hand, the mat of present claims 1, 2 and 5 can be considerably larger than Rattan's vehicle mat. It has a robust construction that is capable of supporting the full weight of the user; and can withstand the wear and tear occasioned when the mat is repeatedly walked upon by its user(s). Advantageously, with the floor mat called for by present claims 1, 2 and 5, the user has the ability to replace the scent-containing member of the mat instead of throwing away the entire mat apparatus. The flap of the mat apparatus called for by present claims 1, 2 and 5 provides this capability. It is clear that Rattan does not disclose or suggest the presence of a flap integrated with his fragrance-producing unit.

Accordingly, reconsideration of the rejection of claims 1, 2 and 5 under 35 USC 102(b) as being anticipated by Rattan is respectfully requested.

#### **Claim Rejections – 35 USC § 103**

Claim 3 was rejected under 35 USC 103(a) as being unpatentable over Rattan.

The Examiner has acknowledged that Rattan does not disclose a coating on the top portion 12. However, the Examiner has indicated that coating or painting any object is well known in the arts. The Examiner has stated that it would have been obvious to one of ordinary skill in the art to apply a coating such as paint to the top portion of Rattan to produce a desired decorative effect.

In view of the amendments to claim 3, it is submitted that present claim 3 patentably defines over Rattan. Specifically, claim 3 has been amended to call for a flap that may be opened in order to access the interior space of the mat for replacement of a scent-containing member therein, and which also may be closed to seal the interior space thereof. The advantages afforded by the flap are discussed hereinabove in connection with the rejection of claims 1 and 2. Rattan does not disclose or suggest the presence of a flap integrated with the disclosed fragrance-producing unit.

In addition, claim 3 has been amended to call for a layer of carpeting covering at least the top portion except for the ventilation apertures. It is submitted that nowhere in Rattan is there any disclosure or suggestion of a layer of carpeting covering the top portion of the disclosed fragrance-producing unit, which is intended for use inside an automobile. The Examiner's arguments that a coating such as paint would have been obvious have been rendered moot by the current amendments to claim 3. For these reasons, it is submitted that claim 3 patentably defines over Rattan.

Accordingly, reconsideration of the rejection of claim 3 under 35 USC 103(a) as being unpatentable over Rattan is respectfully requested.

Claim 4 was rejected under 35 USC 103(a) as being unpatentable over Rattan in view of USP 6,254,836 to Fry.

Fry discloses a device for an air freshener for use by hanging in an automobile or other location made in a variety of Native American shapes. The device is provided with a circular bulb on its backside and the device further contains an amount of absorbent material held in a recessed space in its body for holding liquid scented oil. The scent can be dispersed into the atmosphere by selectively depressing and releasing the bulb so that an amount of air is dispelled through scent apertures into the air space surrounding the air freshener. In an alternative embodiment, the bulb is threaded into the air freshener and contains an amount of absorbent material whereby scent oil is placed directly on the absorbent material therein which then can be displaced into the air surrounding the air freshener by pressing on the bulb with the scent passing through said air apertures.

The Examiner has stated that Rattan discloses the invention substantially as claimed. However, the Examiner has recognized that Rattan does not disclose the use of foam as an absorbent insert material. The Examiner has indicated that Fry discloses the use of paper or foam as a scent containing absorbent layer; see column 5, lines 58-59; and it would have been obvious to one of ordinary skill in the art to use any well known scent absorbing layer, such as foam, as the scent absorbing layer in the article of Rattan in view of the teachings of Fry and the

suggestion at column 2, lines 21-25 of Rattan, wherein it is disclosed that any suitable absorbent material may be used.

It is submitted that claim 1 patentably defines over Rattan in view of Fry, since neither of the references disclose nor suggest a flap as called for by present claim 1. Because claim 4 depends from independent claim 1, it is submitted that claim 4 is patentable over Rattan in view of Fry for the very same reason. Further, it is submitted that the Examiner's reference to column 2, lines 21-25 of Rattan refer to a separate pad that surrounds the pod of fragrant liquid, and not the pod itself. On the other hand, claim 4 further limits the scented member itself (by requiring it to comprise a foam member), and makes no reference to any pad that surrounds the scented member. Therefore, it is respectfully submitted that a *prima facie* case of obviousness has not been established as against claim 4 over Rattan in view of Fry.

Accordingly, reconsideration of the rejection of claim 4 under 35 USC 103(a) as being unpatentable over Rattan in view of Fry is respectfully requested.

#### **Double Patenting Rejection**

Claims 1-5 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 8, 11, 13 and 18 of copending Applications Ser. No. 11/007725.

In order to expedite prosecution of this application, enclosed herewith is a Terminal Disclaimer in the form required by 37 CFR 1.321 (b). The Terminal Disclaimer



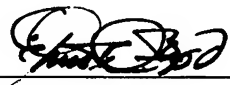
includes a statement by the applicant specifying that the evidentiary documents have been reviewed and certifying that, to the best of the applicant's knowledge and belief, title is in the applicant seeking to take action. As such, the Terminal Disclaimer is submitted to be in compliance with 37 CFR 3.73 (b), and is in the proper form required by 37 CFR 1.321. In view of the same, it is submitted that claims 1-5 and 7-9 should not be subject to rejection based on obviousness-type double patenting with any patent issuing from U. S. Patent Applications Ser. No. 11/007725.

Accordingly, reconsideration of the rejection of present claims 1-5 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending Applications Ser. No. 11/007725 is respectfully requested.

### **CONCLUSION**

In view of the amendments to the claims, the Terminal Disclaimer submitted herewith and the remarks set forth above, it is respectfully submitted that the present application is in allowable condition. Reconsideration of the rejection of claims 1-5 and the double patenting rejection, and allowance of claims 1-5 and 7-9 are earnestly solicited.

Respectfully submitted,  
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